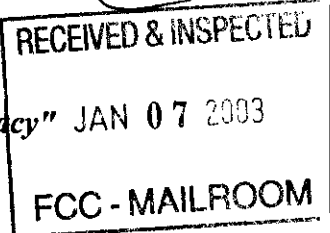


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Jane Wardlow Prettyman
Editor, *AmericanReview.us*, "A double-take on media and democracy"
230 W. Figueroa Street, Santa Barbara CA 93101
(805) 962-5403 E-mail: openmind@rain.org



TO: Federal Communications Commission
c c : Senator Boxer and Senator Feinstein, Sen. Hollings,
Rep. Capps, Rep. Pelosi
c c : Consumers Union

December 30, 2002

RE: FCC Notice of Media Ownership Rule-Making, 9-12-02

Docket # 02-277

Ladies and Gentlemen,

My background consists of 7 years on the editorial staff of Esquire Magazine plus several other magazines in the 1970's and publication of my own magazine in New York in the 1980's.

On Sept 12, 2002, the FCC announced a Notice of Public Rule-Making (NPRM) to consider "relaxation" or removal of certain rules governing media ownership. I have looked over the 12 FCC "studies." Anecdotal remarks by FCC Commissioners in a brief press release and during a news conference indicated the rules are felt to be "old" and "outdated" and they must be repealed "because we must keep up with the modern media world."

At the outset, I formally request that **public hearings** be held by the FCC around the country or in Washington on the media ownership rule changes. I also call for a **new set** of "studies" to be done as a result of those public hearings, to include several of the hypotheses I put forth myself in this letter. I request that the decisions on media ownership rule changes be postponed until after a complete **new round of "comment"** is solicited upon review of the studies and final report from those hearings. *Only* then should remaining rules be dropped, sustained or revised.

In the meantime, I herewith offer my **formal comment** on the above FCC rationale for Proposed Rule-Making. My comment begins with a critique of the study on "Viewpoint Diversity in Cross-Owned Newspapers and TV Stations" (Pritchard).

COMMENT ON PRITCHARD (CROSS-OWNERSHIP) STUDY:

The Pritchard study says of itself that it shows that common ownership of a newspaper and TV station in the same market does not affect the "coefficient of slant" of the commonly owned entities. The study fails on the following grounds:

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1. The study had no basis for making the conclusion it did, given its stated outcome.

a. Mr. Pritchard studied 10 cross-ownerships, found **5** had the **same** slant and **5** had **different** slants and concluded therefore "overall the common ownership of a newspaper and a TV station in same community did **not** result in a predictable pattern **of** news coverage and commentary about important political events in the commonly owned outlets." I don't see why Pritchard could not find "overall" the **opposite** conclusion. But really, if split down the middle like this, it's inconclusive and equivocal, unhelpful, and there should be **no conclusion**.

b. The result reached was 5/5, a perfect tie, yet the author concluded in favor of one alternative without logical explanation. Does this reveal a bias on the author's part in favor of repealing the cross-ownership rule?

2. The people who judged "slant" were the author of the study (Mr. Pritchard about whose personal political slant we know nothing) and Mr. Pritchard's research assistants (about whose personal political slants we know nothing). **So** the study of political slants is invalid on the grounds that its own political slants were not disclosed. What are they?

3. "Each item was coded by two members of a team of research assistants who had been selected and trained by the author of this report. If the research assistants initially disagreed or were uncertain about the slant of any given item, they brought the item to the author for review and discussion. After discussion, all parties agreed in all cases about the appropriate slant of an item."

a. The coding methodology was not disclosed. What was it?

b. While the coding of editorials would be fairly obvious, the coding of straight news items would be more problematic, as follows:

Firstly, many news stories on the presidential election in local venues (papers and TV) had to be wire stories not locally generated, so they may have been the same stories duplicated in various ways. How was this problem handled?

Secondly, having personally watched the news coverage of Mr. Gore carefully and seen the "Gore is a liar," "Gore is a serial exaggerator" litany repeated over and over in almost every straight news story via journalistic allusions and quotes **from** all sorts of people, I am surprised to see a result showing a "pro-Gore slant" in most of the straight news stories and TV news stories, as the study shows. In fact, I would expect the opposite. Therefore I would like to review the items themselves and know the coding criteria to see how the study arrived at a "pro-Gore" conclusion widely on straight news coverage.

c. The criteria for selection of "assistants" was not disclosed. What were they? The background and qualifications of the selected assistants were not disclosed. What were they?

d. What did the "training" of assistants consist of?

e. The items studied ("coded") were not disclosed. This would include all the newspaper items and all the tapes of TV newscasts. Presumably they are available for public examination somewhere. Please advise where they can be accessed online or in archive.

e. Please advise where the notes on "review and discussion" are available for review.

4. The criteria for choosing the particular 10 cross-owned entities were not disclosed. What were they?

a. How many other cross-owned entities were available to choose from, where and who were they?

b. I notice that all except two endorsements were for Bush (8), except one for Gore and one paper (LA Times) made no endorsement. Were the cross-owned entities initially selected by **this** criterion (endorsement for Bush) and *then* the coverage thereafter analyzed for slant?

5. The study considered only 10 cases, not an adequate number to reach a meaningful result.

6. As to the cross-ownership rule itself, Douglas Gomery (EPI March 2002) has pointed out an important fact that "In the period before passage of the Telecommunications Act of 1996, when companies were prohibited from owning more than one radio station in a market, cross-ownership of a same-market newspaper and radio station would not have **posed** a major threat in terms of monopolizing opinion. But with the concentration of radio station ownership within markets since 1996, relaxing newspaper-radio cross-ownership would now pose a significant threat to the diversity of voices."

7. As to the Pritchard study generally, the question of the study was posed as follows: "To what extent do commonly owned newspapers and television stations in a community speak with a single voice about political matters?" I suggest that this question leads **us** into an "apples and pears" situation. The question of true import is not whether newsmedia outlets might or might not be politically diverse ("speak with a single political voice") **as** a matter of determined action but **do commercial pressures cause unwitting political effects and will these unwitting political effects worsen with further conglomeration?** This is the question that Pritchard and other researches should study.

Allow me to expand upon #7 as follows regarding cross-ownership and all other media ownership rules:

At this point fewer than 10 companies own most of everything we see, hear and read. In the midst of this miasma is our supposedly **free press**. The Constitution granted "freedom of the press" to the people to help us protect ourselves from potentially tyrannical government and other large institutions (like mega-corporations), to let us gain information and news we can use to keep ourselves free and safe. Will the free press survive the "free market"?

The burden of argument should not be on the public (as the FCC insists) but on private media corporations to show why they should be allowed to grow bigger and enjoy vast monopolies over choices, ideas and prices. Teddy Roosevelt, a rare Republican who championed the public interest and a great "trust-buster," would have quickly seen the problem a century ago.

Diversity and multiplicity of newsmedia ownership must be preserved and conglomeration examined and in some cases rolled back on anti-trust grounds to safeguard the functioning of a free press. For example, take the experience of respected news editor Geneva Overholser who resigned on principle along with most **of** the editorial staff of the Des Moines Register in 1991 after that paper was taken over by the giant Gannett newspaper chain resulting in layoffs and drastic cutting of the newsroom budget. That event was merely the first dramatic example in a wave of retrenchments that swept through the 1990's with each new media merger, to make the acquisitions pay off.

Of course, some argue that further conglomeration might not be more injurious to the newsroom than the usual commercial competition among individual companies currently -- but we don't really know that. It's hard to imagine that an engorged conglomerate with no competition would operate in the public interest against its own profit motives but it's a possibility. And even monopolies are competing against something, even if in foreign markets or some David-like upstart with a better idea. Since there is currently no answer to this question either way, considering the stakes involved (free press) and the fact that the genie cannot be put back into the regulatory bottle, I believe **the FCC should err on the side of safety and keep all the media ownership rules in place** until this and other questions can be studied and public hearings held in the FCC and Congress calling such witnesses as Ms. Overholser as well as magnate news managers to testify on their experiences in real life as to commercial pressure on free press.

Here's what's at stake: The free flow of information via a free press both electronically and in print ensures dissent and vitality of public debate in our democracy. This in turn helps **us** to make sound electoral decisions (don't laugh) and protect ourselves from governmental **or** corporate oppression. These concerns originated with the Founders who guarded a free press in the Bill of Rights because they feared too much power in the executive branch and wanted to avoid emergence of a "king."

Admiral Poindexter asserted that "Knowledge is power" in his recently unveiled Pentagon plan for "Total Information Awareness" to spy on everyone in this country without probable cause. But according to the Constitution, **the real power of knowledge should be to the people via a free press**. The existence of secret surveillance systems like the Bush administration's TIA should scramble citizens into action to protect our free press so we can dig under the secrecy and keep track of the trackers.

"Bias" or "political slant" in news coverage is the main problem and it can be seen in two lights. One is to look back and see that early in the nation's history there were far more newspapers and each was *expected* to be politically biased. Indeed, it was considered healthy because a citizen could go around and pick and chose various papers to read at 2 cents each and be informed *in full voice* from each perspective (as opposed to the tentative, politically correct, try-to-please-all mainstream **news** of today). The Federalist Papers were published in famously "biased

newspapers of that era debating the pros and cons of the Constitution. The FCC and the notion of regulating media ownership kicked in only in the 1930's and 40's with concern that a communist or fascist or foreign news owner could take over major segments of the U.S. press. After the war, commercial pressure intensified to satisfy advertiser demographics and this began to dictate a broader scope of news (less politically biased to avoid offense of any particular group to increase sales) or a more "bipartisan" style of coverage to increase circulation and reach a broader audience for advertisers. Papers such as the NY Times, often thought of as "liberal," by the 1980's and 90's began to cater to suburban Republican subscribers with a more conservative cast in news coverage and even in a few editorials (some believe this included going after President Clinton tooth and nail on Whitewater which turned out to be a spurious story). There was also a movement by schools of journalism to try to promote "objectivity" in news stories, frowning on bias.

Then there's commercialism in and of itself and its political effects. As much as modern media proclaims itself to be "fair and balanced," I believe commercial pressures bring about effects leaning in *afar more conservative than liberal* direction. For example, news owners can promote political agendas that wind up making them the maximum amount of money (corporate tax cuts, deregulation, etc.). Or companies can suppress or favorably spin news stories about product safety in which they have a corporate conflict of interest. Far more subtle yet powerful results show up when news companies "back into" political effects passively and somewhat helplessly but with serious political consequences. For example, as newsroom budgets for active investigative reporting are trimmed to increase the bottom line to please stockholders, managers must rely more on "passive news" from newswires and especially from police blotters featuring crime, child abductions, drug busts, car chases, etc., exciting, visual and violent stories that do not require much work or cost to produce. These kinds of stories tend to play into conservative hands politically (law and order, tough on crime, death penalty, war on terrorism, dragnets, security, more military, more police, etc.), whereas stories that might play into liberal/progressive hands (civil rights, bridging gap between rich and poor, equality for women, health care, gun control, Social Security, etc.) do not play well because they are comparatively more complex to explain, not violent, not exciting, and not entertaining.

Add to this the famously short time and small spaces available in the fast-moving media game. The "sound bite" (or "blurb" in print) is a form that works to the advantage of those promoting conservative more than liberal political views. Liberal positions are often more complex to describe, as opposed to the faster, simpler expressions of conservatives. For example, "Cut taxes" requires (and gets) almost no explanation and can be said in two short words, bam bam! whereas explaining the "pro" position of *why taxes must be collected* requires several sentences explaining the role of government in the public interest, etc., none of which sounds attractive. It is interesting to note that social consciousness is the chief feature that divides the political approaches. Social consciousness suffers greatly in the "modern media world."

Selections of which topics to cover and how they are presented (or skipped over or pumped as "showdown" stories like war on Iraq) are made on the basis of commercial motives, not necessarily "political" ones, yet they can have real political effects by stirring up the public to get on board a political bandwagon.

Today the commercial imperatives for "news product" mean that news must be entertained to sell. Russell Baker observed that "**The** President stands at the center of America's need to be entertained." Talk about bandwagons, today we have a situation in which the President, who is accruing more and more power to the Executive Branch, insisting on absolute secrecy and refusing to give information, is being glorified in many quarters of the media (exactly the opposite of what the Bill of Rights intended when it mandated a free press for the people). Instead, the President should be more critically confronted by the newsmedia who should be digging up information for us about what the Executive Branch is up to *before* its actions are fait accompli. "Time of war" is not an excuse. Yet the bilateral hamstrings of commercialism and patriotism (since 9-11) are combining to limit the free press in its once vigorous role **as** the "Fourth Estate" in the balance of power.

The claim of a "multitude of choices" of news outlets on cable and Internet is, in fact, an illusion **of** variety because the choices emerge from a very few owners in any given community, sometimes only one or two. It's like the election choices in the old Soviet Union -- 150 candidates but they're all Communists.

Political perspectives -- think of them as "songs" like arias -- were once seen as celebrated attributes **of** multiple independent news outlets surrounding the birth and early life of our nation. But they are now a threat to our democracy by virtue of loss of genuine diversity of ownership. The danger now is not "political bias" in itself (healthy if diversified) but the fewness of voices and monopoly control. This situation must be halted and reversed and, at minimum, the FCC rules must be sustained. As I have shown, both consciously and helplessly, the political consequences of the way Big News works have gradually grown more to the advantage of conservative causes. Conservatives now dominate all three government branches while the watchdog of the press is, in large **part**, not just sleeping in the shade, its belly full of money, but when it awakens functioning like a propaganda bullhorn for the White House. Again, no problem if one of many but they are one of **3** or **4**. The Founders would **flip** out, like totally, over this -- and we should, too.

The irony is that while we once feared the ideology of a communist or fascist news owner taking over the American press, now the "free market" ideology has taken over not only the few remaining newsmedia corporations but the FCC itself, creating another grand collusion greatly benefiting conservative causes. Where are the people served?

In closing, I would note that the FCC has shifted from its original purpose of protecting the public against unfair industry behavior to an opposite role of protecting media industries from the public and promoting their own conglomeration. The championing of the 1996 Telecom Act by the FCC was a perfect example of this role reversal (that Act should be rolled back). I call for the FCC to return to the fold of the public interest which you are sworn to serve.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JWP', with a long, sweeping horizontal line extending to the right.

Jane Wardlow Prettyman